

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIE LEE STANLEY,

Plaintiff,

-against-

C.O. LINDSAY, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>9/16/16</u>

14cv09232 (JPO) (DF)

**REPORT AND
RECOMMENDATION**

TO THE HONORABLE J. PAUL OETKEN, U.S.D.J.:

This Court having ordered *pro se* plaintiff Willie Lee Stanley (“Plaintiff”) to show cause by March 31, 2016, why this Court should not recommend that this case be dismissed, *sua sponte*, for failure to prosecute (*see* Order To Show Cause, dated Mar. 1, 2016 (Dkt. 16)); and Plaintiff, even to this date, having made no submission to the Court in response to the Court’s Order To Show Cause; and the Court, in fact, having received no submissions or other communications from Plaintiff in this case since he filed his Complaint in November 2014; I respectfully recommend, for these reasons and the reasons stated in the Court’s March 1, 2016 Order To Show Cause (a copy of which is attached hereto for reference), that this action be dismissed without prejudice and this case be closed on the Docket of the Court.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, Plaintiff shall have fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Such objections, and any responses to objections, shall be filed with the Honorable J. Paul Oetken, at the United States Courthouse, 40 Foley Square, Room 2101, New York, New York 10007, and to the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, Room 1660, New York, New York, 10007. Any requests for an extension of time for filing objections must be directed to Judge Oetken. FAILURE TO

FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *IUE AFL-CIO Pension Fund v. Herrmann*, 9 F.3d 1049, 1054 (2d Cir. 1993); *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *Wesolek v. Canadair Ltd.*, 838 F.2d 55, 58 (2d Cir. 1988); *McCarthy v. Manson*, 714 F.2d 234, 237-38 (2d Cir. 1983).

Dated: New York, New York
September 16, 2016

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

Mr. Willie Lee Stanley
369 East 162nd St.
Apt 5B
Bronx, NY 10451

Defense counsel (via ECF)